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Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:

SUSAN SIMPSON,

Debtor.

Chapter 13 Proceeding

No. 2:20-bk-02088 EPB

**RESPONSE TO NOTICE OF NON-
COMPLIANCE AND MOTION FOR
ENTRY OF ORDER GRANTING STAY
RELIEF**

**Re: 5320 E. Thunderbird Hawk Road,
Cave Creek, Arizona**

**Hearing Set: Thursday, January 13,
2021 at 10 a.m.**

Debtor, by and through her attorney, responds to New Horizons' Notice of Non-Compliance and Motion for Entry of Ordering Granting Stay Relief [Docket #108]. The Court's minute entry reflects the following regarding Debtor's post-petition payments outside of the Plan:

COURT: The Court notes that the Debtor will send Mr. O'Connor proof of payment the day the payment is made in accordance with the plan and agreement with Chase. Mr. Stickell will get confirmation that the December payment to Chase has been made by close of business on Wednesday, December 16, 2020.

Debtor acknowledges that she did not provide proof of making her Chase Mortgage payment to the attorney for New Horizons as required by the Court. Debtor did not make her December payment to Chase until December 31st. Debtor did not respond to undersigned inquiries about the December payment made after the hearing before this Court on December 15th for the reason that she was out of state attending to her Aunt

1 and Uncle were in a car accident. During the time that she was out of state, Ms.
2 Simpson was also hospitalized. This period was December 7 until December 17. Her
3 overnight hospital stay was on the 13th of December.

4 Debtor's submits to the Attorney for New Horizons and the Attorney for the
5 Chapter 13 Trustee copies of her payment history with Chase and copies of her online
6 banking record for January 2021. The banking record reflects the December 31st
7 payment to Chase and the interim Chapter 13 payment.

8 Under Debtor's pending Chapter 13 Plan [Docket # 91], she is making her
9 monthly payments to Chase Mortgage directly commencing as of September 1, 2020.
10 She has not made the payments for November 2020 and January 2021. Debtor is
11 anticipating the initial funding for a contract between her business and the United
12 States Government in the next few days. She anticipates paying the November and
13 January payments to Chase no later than January 16th. She is prepared to provide
14 immediate proof of payment to Chase as the Court orders.

15 Debtor is current on her payments under her pending Chapter 13 Plan.

16 The contract with her business described above will provide her with regular
17 income sufficient to fund the Chapter 13 Plan going forward and pay Chase as
18 payments come due.

19 Debtor asks the Court to deny the Motion for Relief from the Automatic Stay
20 requested in the matter before the Court under these circumstances. There has been
21 no final agreement to the resolution of the Automatic Stay because the Movant New
22 Horizons is insisting on terms not included in that parties' exchange of emails settling
23 that Motion. If New Horizons is backing out of the agreement reached by Movant and
24 Debtor, then a final Hearing on the Motion for Relief from the Stay should be reset.

1 Date: January 13, 2021

2 **GARY R. STICKELL,**
3 **Attorney At Law, P.C.**

4 By: G.R.S. #7512
5 Gary R. Stickell
6 Attorney for Debtor

7 Original filed with Clerk
8 January 13, 2021

9 Copy of the foregoing
10 e-mailed January 13, 2021, to:

11 Dean W. O'Connor PLLC
12 2942 N 24th Street
13 Suite 114-336
14 Phoenix, Az 85016
15 Attorney for New Horizons 401 (K)
16 Profit Sharing Plan
17 FBO Brad A. Gilbertson, Trustee

18 Ross M. Mumme, Esq.
19 Staff Attorney
20 Edward J. Maney, Chapter 13 Trustee
21 101 N. 1st Ave., Suite 1775
22 Phoenix, AZ 85003

23 by: G.R.S. #7512
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